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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARTINEZ et al.

Application No.: 10/808,736

Filed: 3/18/2004

For: SYSTEMS & METHODS FOR  
AUTOMATING ASPHALT MIX  
DESIGN

Examiner: Davis, Octavia L.

Art Unit: 3037

RESPONSE

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a Declaration and a copy of the Notice to File Missing Parts.

Please charge any required small entity fees to Deposit Account 501861.

If for any reasons the Examiner believes a telephone conference would in any way expedite resolution of the issues raised in this appeal, the Examiner is invited to telephone the undersigned at 408-528-7490.

Respectfully submitted,

By: 

Bao Tran  
Reg. No. 37,955

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/808,736	03/18/2004	David Frederick Martinez	ATSER-007C1

David F. Martinez  
ATSER  
1150 Richcrest Drive  
Houston, TX 77060

CONFIRMATION NO. 5373

## FORMALITIES LETTER

OC000000012899344

Date Mailed: 06/08/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$450 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450*A copy of this notice **MUST** be returned with the reply.*

*Segev*  
\_\_\_\_\_  
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE